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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,305	08/10/2001	Richard Bryan Sagar	US018103	4964

7590 06/28/2006

Corporate Patent Counsel  
Philips Electronics North America Corporation  
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EXAMINER

JONES III, CLYDE H

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/927,305		SAGAR, RICHARD BRYAN	
	<b>Examiner</b>		<b>Art Unit</b>	
		Clyde H. Jones III	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/10/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/2/03, 8/10/01</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US 6,588,015 B1).

Regarding claims 1, 12, and 13, Eyer teaches a method of providing a service to a user, the method comprising:

upon payment of a first fee by the user (col. 15, lines 63-65; col. 16, lines 23-25; col. 17, lines 13-15), transmitting a content information (audio and/or video multimedia programming that is not a commercial/advertisement) comprising a commercial information to a device 200 (fig. 2) of the user (col. 1, line 66-col.2, line 6; col. 2, lines 36-39), the device being configured to enable to skip any portion of the content information (col. 15, lines 17-18; col. 7, line 50- col. 8, line 12; col. 16, lines 41-42); and,

upon payment of an additional fee by the user (user pays for commercial free service, e.g., service class 1 or 2), enabling the device of the user to automatically skip

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the commercial information when playing out the content information (col. 18, line 54col. 19, line 45; Table 1; col. 16, lines 41-42).

Regarding claim 2, Eyer teaches enabling the device to remove (not present to the user, i.e., skip) the commercial information when recording (buffering) the content information (fig. 3, step 310, 340, 360, 370).

Regarding claims 3 and 4, Eyer teaches transmitting a signal (1045, 1065 – fig. 10) representative of a temporal occurrence of the commercial information (col. 6, lines 1-3, lines 30-32); and,

enabling the device to interrupt a recording of the content information during the commercial information based on the signal (col. 19, line 20; col. 19, lines 27-29).

Regarding claim 5, Eyer teaches the device is enabled to automatically jump Over (skip) the commercial information when playing out a recorded version of the content information (col. 16, lines 30-32; Table 1, service class 1 and 2; in which “commercial free” reads on auto jumping/skipping over any commercial live or replayed).

Regarding claim 6, Eyer teaches enabling the user to inactivate the automatic skipping of the commercial information (col. 16, lines 26-27; col. 16, lines 41-45; col. 19, lines 18-20).

Regarding claim 7, Eyer teaches charging the additional fee for each automatic skipping (metered skipping) of the commercial information (col. 17, lines 47-49).

Regarding claims 8-11, Eyer teaches broadcasting/streaming (transmitting the multimedia programming data) the content information (col. 5, lines 46-50; col. 2, lines 12-15; col. 2, line 66-col. 3, line 2; col. 5, line 14).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***Note to Applicant***

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ



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